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EXAMINER	
ROBERTS, BRIAN S	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/857,362	HESSING ET AL.	
	Examiner	Art Unit	
	BRIAN ROBERTS	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-25,27-31 and 33-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-25,27-31 and 33-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

- Claims 18-25, 27-31, and 33-37 remain pending.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "300" has been used to designate both the receiver of Figure 6 and the receiver of Figure 7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18-24, 27, 33, and 36-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- In reference to claim 18

The limitation "the traffic information does not make use of all of the options and is always at least one of coded, transmitted, and decoded according to the subset" is not enabled by the specification. The specification does not disclose transmitting the traffic information according to a subset of possible options of predetermined technical standards. Only coding and decoding are disclosed according to a subset of possible options of predetermined technical standards.

- In reference to claim 27

The receiver as claimed is not supported by the specification because the transmitting unit of claim 27 of the receiver of receiver claim 25 does not transmit the digitally coded traffic information received by the receiving unit of claim 25. As stated in the description of Figure 7 on page 10 in the specification, the receiver 300 can transmitted coded traffic information but it is not the same digitally coded traffic information received by the receiving unit of the receiver.

- In reference to claim 33

The transmitter as claimed is not supported by the specification because the receiving unit in claim 33 of the transmitter of claim 31 does not receive the same

digitally coded traffic information transmitted from the transmitter unit of the transmitter of claim 31. As stated in the description of Figure 8 on page 12-14 of the specification, the receiving unit of transmitter (301) receives information from a receiver (300). The transmitter does not transmit the digitally coded traffic information to itself.

- In reference to claim 19-24, 36-37

Dependent claims 19-24, 36-37 are rejected as being dependent on rejected claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 18-25, 28-31, and 34-37, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1)

- In reference to claim 18, 36, 37

In Figures 2, Israni et al. teaches a system and method of digitally coding and transmitting traffic information conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049] in a traffic message (50) comprising a plurality of data components (50(1-6)) including other information (50n) [see Figure 3, Paragraph 0042-0050] from a transmitter (20) via a unidirectional

channel and decoding the digitally coded information at a receiver (11). [Paragraph 0035-0041]

Israni et al. does not explicitly teach the digitally coded traffic information utilizing a subset of the possible options of the TMC message format or the ALERT-C Syntax and coding, transmitting, and decoding the digitally coded traffic information utilizing the subset, however, it is well settled that transmitting less data results in a shorter transmission time and a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the traffic message to include a subset of all the possible data components of the traffic message because transmitting a traffic message comprising only a subset of all the possible data components results in a smaller traffic data message containing only the desired data components and would yield the predictable result of a savings in transmission resources including a shorter transmission time for the traffic message, and a shorter processing time for the traffic message by the transmitter and receiver.

- In reference to claim 19, 20

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing a RDS-TMC system provides for data components 50(1)-50(6) (Information options) [Paragraph 0043]
- The data components 50(1)-50(6) provide for a traffic message 50 (information block) [Paragraph 0043]

- In reference to claim 21

In Figure 3, Israni et al. further teaches a method that includes:

- The traffic message 50 (Information block) provides for a data component 50(1)-50(6) (single-information option) [Paragraph 0043]
- The event component 50(1) includes data that describe a traffic problem 50(1)(1) (first extent-of-increase symbol) and data that describe a level of severity 50(1)(2) (second extent-of-increase symbol) [Paragraph 0044]

- In reference to claim 22

In Figure 3, Israni et al. further teaches a method that includes:

- The extent component 50(4) includes data that identify a length of traffic congestion queue with respect to the location 50(2) (item of length information) [Paragraph 0047]

- In reference to claim 23

In Figure 3, Israni et al. further teaches a method that includes:

- The advice component 50(6) provides a recommendation for a diversion of route [Paragraph 0023]

- In reference to claim 24

In Figure 3, Israni et al. further teaches a method that includes:

- The specification governing the RDS-TMC system provides for data components 50(1)-50(6) (Information portion) [Paragraph 0043]
- Data components 50(1)-50(6) provide for Location 50(2) information [Paragraph 0048]
- Location 50(2) information is in coded form according to Location Number 51(1), Location Table Number 51(2), Country Code 51(3), and a direction 51(4) [Paragraph 0048]

- In reference to claim 25, 30

In Figure 2, Israni et al. teaches a receiving unit (125) for receiving a signal that includes digitally coded traffic messages (50) and a navigation system (110) for decoding the digitally coded traffic messages (50) comprising a plurality of data components (50(1-6)) including other information (50n) [see Figure 3, Paragraph 0042-0050] [Paragraph 0054] conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

Israni et al. does not explicitly teach the digitally coded traffic information utilizing a subset of the possible options of the TMC message format and decoding the digitally coded traffic information utilizing the subset, however, it is well settled that if data is not present then the data is not and cannot be decoded. Furthermore, it is well settled that decoding less data results in a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the

traffic message to include a subset of all the possible data components of the traffic message and decoding the traffic message comprising only subset of the all the possible data components (*decoding the digitally coded traffic information according to a subset of possible options of predetermined technical standards*) because it results in a smaller sized traffic data message containing only the desired data components and would yield the predictable result of a savings in decoding resources including a shorter processing time for the traffic message by the receiver. Furthermore, decoding a traffic message containing only a subset of the possible data components results in utilizing only a subset of predetermined technical standards.

- In reference to claim 28

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A processor (112) that receives input from the receiver (125) of the digitally coded traffic broadcast according to conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049]

- In reference to claim 29

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A non-volatile memory (116) and RAM (120) for storing digitally coded traffic broadcast.

- In reference to claim 30

In Figure 2, Israni et al. teaches a navigation system (110) that includes:

- A navigation unit (110) for processing an information content traffic message. [0054-0055]

- In reference to claim 31

In Figures 2, Israni et al. teaches a transmitter system (20) that includes an arrangement 20(2) for coding traffic message (50) comprising a plurality of data components (50(1-6)) including other information (50n) [see Figure 3, Paragraph 0042-0050] conforming to the ALERT-C messages standard established in the RDS-TMC system [Paragraph 0004-0005, 0049] and a transmitting unit 20(4) for transmitting a signal that includes the digitally coded traffic message (50). [Paragraph 0039-0041]

Israni et al. does not teach the transmitter digitally coded traffic information utilizing a subset of the possible options of the TMC message format or the ALERT-C Syntax and coding digitally coded traffic information utilizing the subset, however, it is well settled that if data is not present then the data is not and cannot be coded. Furthermore, it is well settled that coding less data results in a shorter processing time of the data.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the traffic message of Israni to include reducing the size of the traffic message to include a subset of all the possible data components of the traffic message and coding and transmitting the traffic message comprising only a subset of the all the possible data components (*coding the digitally coded traffic information*

according to a subset of possible options of predetermined technical standards) because it results in a smaller traffic data message containing only the desired data components and would yield the predictable result of a savings in coding resources including a shorter processing time for the traffic message by the transmitter. Furthermore, coding a traffic message containing only a subset of the possible data components results in utilizing only a subset of predetermined technical standards.

- In reference to claim 34

In Figures 1-3, Israni et al. further teaches a system and method that includes:

- A TMC coder for coding the digitally coded t information conforming to the ALERT-C messages standard established in the RDS-TMC system. [Paragraph 0004-0005, 0041, 0049]

- In reference to claim 35

In Figure 2, further teaches a system and method that includes:

- A memory 20(2) for storing a traffic message [Paragraph 0039-0041]

Claims 27 and 33, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Israni et al. (US 2002/0194170 A1) in view of Beyer et al. (US 6070123)

- In reference to claim 27

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach a receiver having a transmitting unit for transmitting a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a transmitter on the vehicle for transmitting a route request consisting of digitally coded route information to the central unit (1) so the central unit (1) can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a transmitter as taught by Beyer et al. because the transmitter allows two-way communication between vehicles and control centers and allows the vehicles to request information from the control centers.

- In reference to claim 33

Israni et al. teaches a system and method that covers substantially all limitations of the parent claim.

Israni et al. does not teach the transmitter having for receiving a signal including at least one of an information inquiry.

In Figure 1, Beyer et al. teaches a method and system with a bidirectional link, such as a digital GSM network, (column 1 lines 59-62) between a vehicle and a central unit central unit (1) that includes:

- A Mobile Wireless System (3) that inherently includes a receiver for receiving a route request consisting of digitally coded route information from the vehicle so the vehicle can determine a route (column 4 lines 47-53)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the system and method of Israni et al to include a receiver as taught by Beyer et al. because the receiver allows two-way communication between control centers vehicles and allows the control center (*transmitter*) to receive an information request from the control centers.

Response to Arguments

Applicant's arguments filed 09/05/2008 have been fully considered but they are not persuasive.

- In the Remarks on page 3-4, the Applicant contends that Israni does not suggest anything regarding the need for "a savings in the transmission resources". Furthermore, the Applicant contends that the Examiner's assertion is essentially that, given the one of ordinary skill level in the art the time of the invention, it would have been obvious to try the modification to arrive at the present claimed invention and the Examiner has not established a finding as to a) whether the problem addressed by the present invention

was recognized in the art; or b) whether there was any recognized potential solution to the problem in the art.

- The Examiner respectfully disagrees. Paragraph 0042 of Israni et al. states "traffic message 50 can include various kinds of information." In Figure 3, traffic message 50 is shown to optionally include other information (50n). Clearly, one of ordinary skill in the art at the time of the invention would know as illustrated by Israni et al. that not transmitting optional information results in saving transmission resources. Hence, if the other information (50n) field of traffic message (50) is not needed, it is not transmitted. Saving transmission resources is clearly recognized in the art by virtue of the other information (50n) of traffic message (50) being optional and Israni et al. recognizes a potential solution by making the other information (50n) of traffic message (50) optional so that information that is not desired to be transmitted is not transmitted resulting in the savings of transmission resources.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR
11/21/2008

/Wing F. Chan/
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11/22/08